

FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, June 25, 2009

PLANNING COMMISSION STUDY/WORK SESSION

***Present:** Chairman John Bilton, Commission members, Geoff Butler, Randy Hillier, Michael Wagstaff and Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commission members Steve Andersen, Rick Draper, and Craig Kartchner were not in attendance.*

The study/work session began at 6:30 p.m.

(Agenda Item #1) - Approval of Minutes

Michael Wagstaff asked that the words “and the density” be deleted from the sentence on page 8 under the motion he made.

(Agenda Item #3) – Rodney Griffin – Applicant is requesting an amendment to the Master Plan and associated Final Plat for the Nicholl’s Nook Planned Unit Development located at approximately 48 South 100 West. The requested amendment is for the addition of three units to the proposed development creating a total of nine units from the six previously approved (S-2-07).

There was an extended discussion among the Commission and staff regarding this item and whether or not to grant approval. Some of the issues discussed were: private vs. public street, width of the street, setbacks, safety, and parking. There was concern expressed regarding the fact that **Mr. Griffin** seemed unwilling to make changes and compromises suggested by the Commission and staff.

(Agenda Item #4) – Steve Ballantyne – (Public Hearing) – Applicant is requesting approval for a minor metes and bounds subdivision on property located at approximately 76 South 300 West and is requesting the vacation of a portion of 300 West directly adjacent to the subject property (S-5-09).

There was a brief discussion regarding this item.

(Agenda Item #5) – Farmington City – (Public Hearing) – Applicant is requesting a conditional use permit for an amendment to the Farmington Ranches Park Master Plan for the Farmington Ranches Park located at approximately 1900 West Clark Lane between Farmington Ranches Subdivision Phases 3, 4 and 5 (C-10-08).

David Petersen referred to a map and provided background on this item. He said that on recorded plat, the area was shown as delineated wetlands; however, the Army Corps of Engineers disagreed and said it is a stream bed and is in their jurisdiction. They are requiring the City to go through the process of filling it in. The Public Works Department began grading the area but stopped short of the wetlands. He said residents in the area are upset that the City did not contact their HOA regarding this issue. Both staff and the Commission agreed this was a mistake. There was discussion

about leaving some of the park in a native state or grooming it to the property line. **Mr. Petersen** said it is also a budget issue; the City has enough money to do some of the landscaping, but they do not have the ability to maintain it. The work will be completed in phases, and it could be delayed until next spring or longer. He said the City obtained a pavilion at the same time the Woodland Park pavilion was installed, and it needs to be installed as soon as possible to prevent it from warping.

(Agenda Item #6) – Farmington Ranches HOA – (Public Hearing) – Applicant is requesting a conditional use permit for a landscape plan and/or pedestrian path for common open space lots 4B, 4C, 5C and 5D in Phases 4 and 5 of the Farmington Ranches Subdivision and parcels B, C and D of the Farmington Ranches East Subdivision (C-7-09, M-6-09).

David Petersen said he did not anticipate any issues with this item. He said the HOA has a landscape plan which includes completing several sections each year as the funding is available. He told the Commission they would probably see a conditional use permit request for the entire piece in the next few months.

(Agenda Item #8) – Miscellaneous, correspondence, etc.

Mr. Petersen told the Commission they needed to select a Planning Commission member to serve on SPARC (Site Plan Architectural Review Committee). The meeting ended at 7:02 p.m.

PLANNING COMMISSION REGULAR SESSION

***Present:** Chairman John Bilton, Commission members, Geoff Butler, Randy Hillier, Michael Wagstaff and Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commission members Steve Andersen, Rick Draper, and Craig Kartchner were not in attendance.*

Chairman Bilton opened the meeting at 7:05 p.m. **Michael Wagstaff** offered the invocation.

Approval of Minutes - (Agenda Item #1)

Michael Wagstaff made a motion to approve the minutes of the June 11, 2009 Planning Commission Meeting with the one change mentioned in the study session. **Randy Hillier** seconded the motion, and it was approved. **Geoff Butler** abstained because he was not in attendance at the meeting.

City Council Report

Glenn Symes said there were two items the Planning Commission reviewed prior to the City Council review on June 16, 2009. The amendment to the master transportation plan was passed and adopted by the City Council. He said many of the same people attended the meeting, and similar comments were made regarding the Legacy North Connection and specifically the Glover Lane corridor. The other item was an amendment to Lot #326, Farmington Creek Estates, Phase 3, which also passed.

Rodney Griffin – Applicant is requesting an amendment to the Master Plan and associated Final Plat for the Nicholl’s Nook Planned Unit Development located at approximately 48 South 100 West. The requested amendment is for the addition of three units to the proposed development creating a total of nine units from the six previously approved (S-2-07). (Agenda Item #3)

Background Information

Mr. Symes said this request was the same as the request from the previous meeting. **Chairman Bilton** asked if there were any questions and/or comments. There was discussion regarding the public access easement, approval of nine units, public vs. private road, and the 28-foot road width.

Motion

Jim Young made a motion that the Planning Commission recommend to the City Council the approval of the proposed amendments to the Preliminary PUD Master Plan for the Nicholl’s Nook PUD located at approximately 50 South 100 West, which includes an increase to nine units and a 28-foot wide private road with a public access easement, with the following conditions:

1. The applicant must receive Final PUD Master Plan and Final Plat approval by the City Council for the proposed amendments;
2. The applicant shall comply with all requirements of the Planning Department, Engineering, and all utilities to conform to the Preliminary PUD Master Plan requirement;
3. That an exception be granted to the dead-end street limitation allowing 28 units for 100 West;
4. Subject to all previous conditions placed on prior approvals.

Findings for Approval

1. The proposed PUD layout provides a more pleasant and attractive living environment than would otherwise be established under the application of conventional subdivision and underlying zoning ordinances.
2. The proposed PUD creates no detriment to property adjacent to the subject property as the proposed PUD is adjacent to other medium-density residential development.
3. The proposed PUD will provide a more efficient use of land and a greater concentration of open space by utilizing the northeast portion of the property as aggregated common space.
4. The proposed PUD has not created an increased hazard to the health, safety and general welfare for the residents of the proposed PUD as a result of any deviation of development standards required in the underlying zone.
5. The exception to the total number of units is necessary at this time thereby allowing the road to go through to eventually provide the best transportation plan for the neighborhood as a whole in the future and that this option is acceptable to the public safety officials in the City.

-AND-

that the Planning Commission recommend to the City Council Final PUD Master Plan approval and Final Plat approval for the Nicholl’s Nook PUD located at 50 South 100 West with the following conditions:

1. The applicant shall comply with all requirements of the Planning Department, Engineering and all utilities regarding the Final PUD Master Plan requirements.
2. Approval of final improvement drawings for the on-site and off-site improvements including grading and drainage plan, SWPPP, and approval by the City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District, and Benchland Water District.
3. The applicant must obtain and record off-site easements in a manner acceptable to the City as shown on the plans prior to or in conjunction with the recordation of the Final Plat.
4. The applicant must enter into or amend the Development Agreement accordingly for the project to be approved and recorded concurrent with the Final Plat.
5. The applicant shall not demolish the existing house on the site until such time as the proposed development begins construction.
6. The applicant must post a bond in the amount agreed upon by the City and the applicant for all off-site improvements and any on-site improvements deemed necessary by the City prior to construction.

Findings for Approval

1. The Final PUD Master Plan does not vary substantially from the Preliminary PUD Master Plan and is in substantial compliance with the Preliminary PUD Master Plan.
2. The Final PUD Master Plan has met all of the requirements of the PUD chapter (Chapter 27).
3. The Final PUD Master Plan meets the objective and purposes of the PUD chapter (Chapter 27).

Randy Hillier seconded the motion, and it was approved by **Chairman Bilton, Geoff Butler, Randy Hillier, and Jim Young**. **Michael Wagstaff** did not approve the motion. It passed by a 4-1 vote.

Steve Ballantyne – (Public Hearing) – Applicant is requesting approval for a minor metes and bounds subdivision on property located at approximately 76 South 300 West and is requesting the vacation of a portion of 300 West directly adjacent to the subject property (S-5-09). (Agenda Item #4).

Background Information

Glenn Symes gave a brief overview of this request. He said the property owners have an existing home on the property and would like to subdivide an adjacent lot. They do not have enough property for a 10,000 square foot lot, but if a certain portion of the City's right-of-way (99 feet) was vacated, they would have enough for a 10,000 square foot lot. The other item for the Commission to make a determination on is the width of the proposed lot. The minimum lot width is 85 feet, but there is an exception of 70 feet if certain criteria are met. He said all of the criteria have been met.

Public Hearing Opened

Julie Ballantyne, 76 South 300 West, Farmington, said she lives in the existing home which is located in a great neighborhood. She said the proposed lot is directly across from another home, so they will either build a new house on the lot or remodel an existing home in the neighborhood.

Dave Balling, Balling Engineering Inc., 323 E. Pages Lane, Centerville, said something that should be noted is that this will never be a through street because the cul de sac has already been established, and there will be a limited amount of traffic.

Public Hearing Closed

Chairman Bilton closed the public hearing at 7:20 p.m. There was a brief discussion among the Commission members.

Motion

Randy Hillier made a motion that the Planning Commission approve the proposed metes and bounds subdivision of property located at 76 South 300 West with the exception to the minimum lot width as shown on the plans and further recommend the City's land use authority grant the proposed vacation of a portion of the 300 West right-of-way as shown with the following conditions as listed, 1 and 2:

1. The portion of the right-of-way along the west side of 300 West adjacent to the subject property necessary to meet the minimum lot size standard in the OTR zone must be properly vacated to the applicant by the City Council prior to final approval of the proposed subdivision.
2. All required public improvements shall be installed in accordance with the provisions of Chapter 8 of Title 12 and the City's Construction Standards and Specifications.

Geoff Butler seconded the motion, and it was unanimously approved.

Findings for Approval

1. The proposed subdivision meets all the requirements for a metes and bounds subdivision as set forth in Title 12, Chapter 4, Metes and Bounds Subdivision.
2. The standards set forth for an exception to the minimum lot width in the OTR zone are met with the proposed subdivision.
3. The vacation of a portion of the right-of-way adjacent to the subject property by the Farmington City Council will provide the necessary minimum lot size for a subdivision.

Farmington City – (Public Hearing) – Applicant is requesting a conditional use permit for an amendment to the Farmington Ranches Park Master Plan for the Farmington Ranches Park located at approximately 1900 West Clark Lane between Farmington Ranches Subdivision Phases 3, 4 and 5 (C-10-08). (Agenda Item #5)

Background Information

David Petersen said this property is located north of the Eagle Bay Elementary school. He said the City purchased the property for the park, and it was approved by the Planning Commission in November of 2008. On the Phase 3 map there is a ditch which runs through the park and connects to Shepard Creek. On the plat it is identified as wetlands. However, when City staff met with the Army Corps of Engineers, they said the area was not a wetlands area but a stream bed. He said the issue for the Planning Commission is to

decide if the City should request a permit from the Army Corps to pipe and fill in the stream bed or if the City should modify the master plan and leave the stream as an open channel. He explained that if it was left open, several foot bridges would be installed. The terrain east of the trail would be native grass, and the terrain west of the trail would be manicured lawn area.

Public Hearing Opened

Chairman Bilton opened the public hearing at 7:26 p.m.

Steve Peterson, 1981 Old Fort Road, Farmington, said his property is adjacent to the park. He is a representative from the HOA and has been involved with this process for more than four years. When the HOA deeded this property to the City, the agreement stipulated that the city would work with a group of representatives from the HOA to establish a master plan. A public hearing was held, and the master plan was adopted. The HOA was not aware of the City's plan to request a conditional use permit for an amendment to the master plan. He noted two issues: (1) it is an irrigation ditch—not a stream bed—and is full of noxious weeds. The HOA would like manicured grass so the weeds do not encroach on the property of adjacent homeowners; (2) the process will require extra time and resources, but the HOA recommends pursuing the issue with the Army Corps to see if it is feasible. He asked the Commission to deny the City's request for a conditional use permit.

Anel Bowman, 323 North Frontier Road, Farmington, said she supports the HOA's proposal to cover the stream. She thinks it is will not be maintained or cared for properly, it would be a hazard for children, and it would collect debris.

Elizabeth Richards, 1846 Frontier Circle, Farmington, said covering the stream would be a good, plan, but she said there is water flow, mostly in the spring, so it would need to be piped.

Bob McRae, 1871 West Frontier Circle, Farmington, asked if the cost of the pipe was included in the original budget and if staff knew the cost of pursuing this adjustment by the Army Corps. **Mr. Petersen** said he did not know the answer to either question. He did say that in the plans for the park, the City Engineer stopped short of the wetlands because they are recorded on the plat.

David Petersen reviewed some of the primary concerns, including: permission from the Army Corps, cost of pipe installation, the cost of additional landscaping, and the cost of maintenance.

Steve Peterson said it was the understanding of the HOA that the City would pipe the stream bed, cover it, and grass it.

Anita Todd, 207 Ironside, Farmington, government relations officer for the HOA, said many people have spent time on this issue. She said the HOA donated this property to the City for the purpose of developing a City Park, and the contract between the City and the HOA states that the two groups work out the details regarding the development of this park. She was concerned about the City's decision to move forward with plans which had not been presented to the HOA.

Public Hearing Closed

Chairman Bilton closed the public hearing at 7:45 p.m. **Chairman Bilton** said the Commission reviewed the budget and the agreement between the City and the Farmington Ranches HOA, and he agreed with the residents and the HOA that the City should have met with them prior to the meeting tonight. The other Commission members agreed and said they were not ready to send this to the City Council. They said there should be an estimate of the costs, possible timing, and a meeting with the Army Corps of Engineers, the HOA, the City Manager, and the Parks Department, to work out some of these details. There was some concern regarding the pavilion, but **David Petersen** said the installation of the pavilion was not affected.

Motion

Randy Hillier made a motion that the Planning Commission table approval of the amendment to the conditional use permit to the master plan in question until budgetary considerations can be reviewed and until the HOA meets with the City to discuss the situation and establish solutions which will be to the satisfaction of both the City and the HOA. **Jim Young** seconded the motion, and it was unanimously approved.

Farmington Ranches HOA – (Public Hearing) – Applicant is requesting a conditional use permit for a landscape plan and/or pedestrian path for common open space lots 4B, 4C, 5C and 5D in Phases 4 and 5 of the Farmington Ranches Subdivision and parcels B, C and D of the Farmington Ranches East Subdivision (C-7-09, M-6-09). (Agenda Item #6)

Background Information

Chairman Bilton informed those in attendance that this item was unrelated to the previous item.

David Petersen said there are many open spaces in this subdivision. Some of the spaces will be left in native terrain; however, others will be landscaped which requires conditional use approval. He said the HOA is planning to submit a request for a conditional use permit for the entire subdivision and then each year, as funds permit, they will landscape as much as possible. The large plan was not ready, but they want to begin landscaping soon, so they submitted this request. He referred to the landscape plan which was included in the packet and said there is a trail which is vital as a pedestrian connection to the park. He said for some reason the conservation easement approved by the City and the HOA did not show a trail. The HOA is following our policy to amend the conservation easement, but they will not be able to appear before the City Council until July 7, 2009. The first condition staff is recommending for approval is that the City Council amend the Phase 4 and Phase 5 conservation easements to include the trail portion of the plan. He said staff is also asking that the cuts in each of the roads be accessible for handicapped residents which will also benefit moms using strollers and children on bicycles.

Public Hearing Opened

Chairman Bilton The public hearing opened at 8:00 p.m.

Eric Scott, 176 Longhorn Drive, Farmington, represented the east phase of the HOA, and he asked that the Commission approve this conditional use permit to landscape parcel 4B. He said Parcels 4C and 4D and some of the narrow strips would also be landscaped as funds become available.

Jeremy Young, 178 East Fork Circle, Farmington, said that in addition to the grass area, they are seeking water rights from Weber Basin, because they want to put a pathway through the center of the area and eventually include trees and shrubs.

Public Hearing Closed

The public hearing closed at 8:02 p.m.

Motion

Geoff Butler made a motion that the Planning Commission approve the request subject to all applicable Farmington City standards and ordinances and the following:

1. The City Council must amend the phase 4 and 5 conservation easements to allow for the trail portion of the plan;
2. The applicant must prepare a parcel by parcel grading and drainage plan for review and approval by City staff, which plan must be consistent with the overall grading and drainage plan approved by the City for each respective subdivision;
3. Landscape plans shall comply with standards set forth in Chapter 7 of the Zoning Ordinance and shall be approved by City staff.
4. Trails shall be handicapped and stroller accessible and curb cuts/ramps must be provided within the City's right-of-way where trails stub to existing curb and gutter for easy use by wheelchairs, children on bikes, strollers, etc. Instead of using nearby residential driveways to access the trails. All modifications to public improvements within the right-of-way shall require an excavation permit from the City's Public Works Department.
5. All conditions of any site plan approval shall be conditions of the conditional use permit.
6. The HOA may not commenced work until a conditional use permit has been issued by the City.

Randy Hillier seconded the motion, and it was unanimously approved.

Findings for Approval

1. The request is consistent with the purposes of each related conservation easement and is therefore consistent with the goals and purposes of the Farmington City General Plan.
2. The trail and landscape areas provide greater pedestrian access to the park which contributes to the general well being of the community.
3. The use is not detrimental to the health, safety and welfare of persons residing in the vicinity, but provides maintained landscaped areas, which also accommodate existing drainage patterns and enhance surrounding properties, and is compatible with adjoining uses and the character of the site.

Rainey Homes – (Public Hearing) – Applicant is requesting a conditional use for the placement of a sales office in a model home located at 186 East 1600 South in the Tuscan Village PUD (C-9-09). (Agenda Item #7)

Background Information

Glenn Symes said Rainey Homes built the model home for this PUD, and they are requesting permission to have a sales office in the model home.

Public Hearing Opened

Chairman Bilton opened the public hearing at 8:05. There was no one in attendance to speak regarding this item, and the public hearing closed at 8:05. There were no comments from the Commission.

Motion

Michael Wagstaff made a motion that the Planning Commission approve the temporary use subject to all applicable codes, development standards and ordinances with the following conditions:

1. Permanent signs on the site of the model home and sales office are prohibited. The size and location of signs must be in compliance with provisions of the zoning ordinance in which the use is located. All signs must be removed when the activity ends.
2. Sign regulations shall be followed for all signs throughout the subdivision represented by the sales office.
3. No loud speakers or amplifying sound devices shall be used in conjunction with the temporary office.
4. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection and light pollution into adjoining and nearby lots. Search lights shall not be permitted.
5. Conduct of the temporary use shall be limited to hours between 8 a.m. and 8 p.m.
6. No portable restroom facilities are allowed on site. Restrooms must be provided inside the model home/sales office.
7. The use granted is solely for purposes of a sales office associated with the subdivision on which it is located, and no other commercial activities of any kind shall be associated with this use permit.
8. The sales office may be used until the last lot in the subdivision is sold. If the office is located in the areas of the home intended for the garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to function as a garage upon termination of the temporary office.
9. Parking areas for the model home/sales office will be appropriate hard surface to be removed at the time the sales office is closed and the model is converted for sale as a single family residence.

Geoff Butler seconded the motion, and it was unanimously approved.

Findings for Approval

1. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community;
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use;
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;

4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development;
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection and safe and convenient pedestrian and vehicular circulation;
6. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
 - a. Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
 - b. Unreasonable interference with the lawful use of surrounding property; and
 - c. A need for essential municipal services which cannot be reasonable met.

Miscellaneous, correspondence, etc. (Agenda Item #8)

Mr. Petersen said he and **Mr. Symes** met with **Rich Haws** regarding his project master plan, America West is still planning to develop their property, and Centercal is planning to begin development in November.

Mr. Petersen said SPARC requires one member of the Planning Commission, one staff member, and a consultant (possibly **Soren Simonsen**). Two additional members could also be a part of the Committee, and they will serve for a term of one year.

Motion

Michael Wagstaff made a motion that Commission member **Geoff Butler** serve on the Farmington Square SPARC. **Jim Young** seconded the motion, and it was unanimously approved. **Mr. Petersen** said the first meeting would be held on July 21, 2009 and requested that a copy of the bylaws be given to **Mr. Butler**.

David Petersen said staff received a call from **Andrew Hiller**, a Farmington resident who was a previous member of the Planning Commission. He would like to open a Hawaiian shaved ice stand as soon as possible in the Bukoos parking lot. Four members of the Commission agreed to meet Tuesday, June 30, 2009 at 6:00 p.m. to hear the request.

ADJOURNMENT

Motion

Randy Hillier made a motion to adjourn the meeting. **Jim Young** seconded the motion, and it was unanimously approved. The meeting was adjourned at 8:15 p.m.

John Bilton, Chairman
Farmington City Planning Commission

